

JUL 06 2006

Application No. 09/810334  
 Amendment dated June 16, 2006  
 Reply to Office Action of March 6, 2006

Docket No.: 014030.0146PTUS

REMARKS

Applicant appreciates the courtesy extended by Examiner Koppikar and SPE Thomas during the personal interview with Applicant's representative on April 26, 2006. During that interview, certain amendments were discussed for putting the application in condition for allowance.

The Office Action mailed March 6, 2006 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-19 were pending in the application. Claims 1, 10, and 19 have been amended. Support for the amendments can be found in the specification page 7, line 18 to page 8, line 3 and Figure 6. No claims have been canceled or added by this response. Therefore, claims 1-19 are pending in the application and submitted for reconsideration.

**§ 102 REJECTIONS**

Claims 1-19 stand rejected under 35 U.S.C. § 102(b) as being unpatentable by Brown (U.S. Patent No. 5,897,493). Applicant respectfully traverses this rejection.

As requested by the Examiner during the personal interview, independent claims 1, 10, 19 have been amended to more clearly distinguish the claimed invention from Brown '493. In particular independent claims 1, 10, 19 have been amended to include "a three dimensional dynamically determined risk state output scale, wherein a first dimension scales whether the answer to a question dialog sets the risk level, a second dimension identifies an actual aspect of care associated with the risk, and a third dimension identifies an expression or risk." This feature is neither taught nor suggested by Brown '493. Thus, Brown '493 does not anticipate claims 1, 10, 19 or the claims that depend on them.

**§ 103 REJECTIONS**

Claims 8 and 17 stand rejected under 35 USC 103(a) as being unpatentable over Brown in view of Mayer, U.S. Patent Application Publication No. 2002/0010597). Applicant respectfully traverses this rejection.

As discussed above, independent claims 1, 10, 19 have been amended to include "a three dimensional dynamically determined risk state output scale, wherein a first dimension scales whether the answer to a question dialog sets the risk level, a second dimension identifies an actual aspect of

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care associated with the risk, and a third dimension identifies an expression or risk." This feature is neither taught nor suggested by Brown '493 or Mayer '597. Thus, the combination Brown '493 and Mayer '597 does not render obvious claims 1, 10, 19 or the claims that depend on them.

### CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2228, under Order No. 014030.0129C1US from which the undersigned is authorized to draw. In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2228, under Order No. 014030.0146PTUS from which the undersigned is authorized to draw.

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